

Message Text

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44

ORIGIN EB-02

INFO OCT-01 IO-02 ADP-00 /005 R

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R 141445 Z JUN 73

FM SECSTATE WASHDC

TO USMISSION GENEVA

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E. O. 11652: N/ A

TAGS: ETRN, CA

SUBJECT: ICAO COUNCIL ACTION RE LIBYA AIRLINES INCIDENT

FOLLOWING IS A REPEAT FOR YOUR INFO:

QTE

R 062033 Z MAR 73

FM AMCONSUL MONTREAL

TO SECSTATE WASHDC PRIORITY 2951

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FROM US REP ICAO

E. O. 11652: N/ A

TAGS: ETRN, CA

SUBJECT: ICAO COUNCIL ACTION RE LIBYA AIRLINES INCIDENT

1. C- OB 78/4 ADDENDUM BECAME FIFTH ITEM ORDER BUSINESS
MARCH 5. MEETING CLOSED FOR THIS ITEM. ISRAEL REPRESENTED
BY AMB DORON, LIBYA REPRESENTED BY EL RAFODI (NY DELEGATE)
BUT PREFERRED NOT SPEAK.

SAUDI ARABIA INVITED BECAUSE FEBRUARY 28 CABLE TO ICAO.

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LEBANON (FEB 27 CABLE) AND EGYPT ALREADY SIT ON COUNCIL.
C- WP/5734 SETS FORTH FOUR REQUESTS TO COUNCIL. THERE WERE
SUPERSEDED BY ASSEMBLY RESOLUTION A19-1 DIRECTING COUNCIL
TO INSTRUCT SECGEN TO INVESTIGATE.

2. MOST OF 30- MINUTE DISCUSSION CENTERED AROUND LEGAL
BASIS FOR COUNCIL ACTION, FOLLOWING FROM FRENCH INTERVEN-
TION CITING 55(E). FRANCE INDICATED WISHED ESTABLISH
PRECEDENT BASED ON VALID LEGAL BASIS. PRES/ COUNCIL
INDICATED TO FRANCE THAT ICAO TEAM WILL SIMPLY " FIND OUT
FACTS -- EVERYTHING"; AND BRING INFO TO COUNCIL IN FORM
OF REPORT FROM SECGEN. WHAT COUNCIL DOES AFTER
RECEIVING REPORT WILL COME UNDER " SOMETHING ELSE".

BELGIUM THOUGHT IT WOULD BE USEFUL TO HAVE REFERENCE TO
55(E). FYI LATER BELGIAN REP TOLD US REP HIS CONCERN WAS
FOR MAINTAINING COUNCIL INDEPENDENCE FROM ASSEMBLY AND
DISCOURAGING ASSEMBLY DIRECTIVES TO COUNCIL IN AREAS
WHERE COUNCIL HAS OWN LEGAL AUTHORITY. END FYI.

MANY COUNCIL MEMBERS INCLUDING US INTERVENED FAVORING TWO-
PHASE APPROACH: FIRST BEING ASSEMBLY DIRECTIVE PURSUANT
54(B); AND SECOND PHASE AFTER INVESTIGATION REPORT
RECEIVED. APPROVED 25 (US) - 0 - 2 (BELGIUM/ FRANCE).

3. PRES/ COUNCIL INDICATED BEGINNING AND END FOR MEETING
THAT HE AND SECGEN HAD COORDINATED RE APPROACH:

A) TECHNICAL GROUP CONSISTING OF ICAO SECRETARIAT
PERSONNEL; IF ANY PARTICULAR EXPERTISE NOT AVAILABLE
ICAO WILL CONTACT OTHER INTERNATIONAL ORGANIZATIONS (SUCH
AS WMO - METEOROLOGY) FOR " UP- TO- DATE AVIATION TECHNIQUES
AND KNOWLEDGE". AS EXAMPLE, HE MENTIONED MAY BE NECESSARY
HAVE EXPERT ON 727" S " FROM SOMEWHERE". FYI US REP HAD
IMPRESSED ON PRES/ COUNCIL PRIOR TO MEETING NO US INVOLVE-
MENT -- WHICH HE READILY AGREED ON. END FYI. AN
" INTERNATIONAL OFFICIAL" WILL BE SECONDED TO ICAO AS
IMPARTIAL OBSERVER AND PARTICIPANT.

B) TIMING: EGYPT ASKED FOR REPORT IN TWO WEEKS. PRES/
COUNCIL SAID NOT POSSIBLE, WOULD BE TWO WEEKS AFTER
TEAM RETURNS FROM FIELD. FYI PRES/ COUNCIL HAS TOLD US
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REP INFORMALLY FOLLOWING APPROXIMATE SCHEDULE SEEMS
REALISTIC: DEPART TOWARD END NEXT WEEK (MARCH 14-16)
AFTER VISAS, ORGANIZATION, ETC. FOUR DAYS LIBYA, ONE WEEK
CAIRO, 3/4 DAYS ISRAEL. (TWO PLUS WEEKS IN FIELD, TWO
WEEKS MONTREAL -- REPORT READY 5/6 WEEKS FROM NOW). US
REP ASKED IF THIS ACCEPTABLE TO EGYPT. PRES SAID EGYPT
REALIZES TWO WEEKS " OUT OF THE QUESTION". END FYI.

C) COUNCIL ACQUIESCED IN WHATEVER MONEY REQUIRED FOR TRAVEL/ PER DIEM.

;

D) WILL BE OUTSIDE ANY REPEAT ANY POLITICAL DELIBERATION.

E) RE INVESTIGATION: THERE WERE NO PLEAS FOR URGENCY BUT SEVERAL SPECIFIC REQUESTS FOR PRESERVATION WRECKAGE DUE WEATHER CONDITIONS THIS TIME YEAR. ISREAL INTERVENTION (AND ALL OTHERS) WERE LOW- KEY, UNEMOTIONAL. ISRAEL STATED: WILL PRESERVE ALL EVIDENCE, FACILITATE EXAMINATION SURVIVORS, RETURN THEM TO HOMES WHEN RECOVERED, ETC. AGAIN STRESSED NEED FOR " SWIFT COMMUNICATIONS SYSTEM" WHICH WOULD HAVE PREVENTED ACCIDENT. (CITED A PREVIOUS AVOIDANCE WITH JORDAN.)

4. PRES INDICATED LAST POINT OF EGYPT REQUEST, (PARA. 5), WILL BE PENDING UNTIL REPORT RECEIVED BY COUNCIL.

HOWEVER, AT SUGGESTION TWO OR THREE STATES, SEC GEN' S R

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*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

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